IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION No.2368 OF 2006

Between:

George John, S/o.O.George,

Occ: Senior Parcel Clerk,

O/o.Station uperintendent,

S.C.Railway, Secunderabad.

..... PETITIONER

AND

Union of India, rep. by the General Manager,

S.C.Railway, Rail Nilayam, Secunderabad,

and others.

....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.E.N.PATRUDU

WRIT PETITION No.2368 OF 2006

O R D E R

(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> "…… Honourable Court may be pleased to issue an order or direction, more particularly one in the nature of WRIT OF CERTIORARI to call for the records pertaining to OA.No.661/2005 dt. 06-10-2005 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad by declaring the same as illegal, arbitrary and quash the same and pass ….."

The petitioner was dismissed from service of the Railways in the year 1985. Subsequently, on a mercy application filed by the petitioner he was appointed afresh as a Commercial Clerk. He joined in the service as such, on 12.05.1987.

The present O.A., from out of which the present writ petition arises, was filed in the year 2005 with a prayer as follows:

> "8. In view of the facts stated above, the applicant prays that this Hon'ble Tribunal may be pleased to direct the respondents to reckon the period from 28.02.1973 to 08.08.1985 relating to his past service for the purpose of pensionary benefits along with the period of employment w.e.f. 12.05.1987 and declare that the action of respondents in not giving a specific communication to the effect that the said past service rendered by the applicant will be considered for the purpose of pensionary benefits, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution and pass any other order or orders as deemed fit and proper in the circumstances of the case and in the interest of justice."

The Tribunal dismissed the said O.A., observing that said application was barred by limitation and laches.

Apart from the finding of the Tribunal that the application is barred by limitation, nothing is brought to the notice of this Court as to the provision of law which enables that the past service of an employee who was dismissed from service, has to be taken into consideration for the purpose of computing the pensionary benefits.

In the circumstances, we do not see any merit in the writ petition and the same is accordingly dismissed at the stage of admission itself.

JUSTICE J.CHELAMESWAR

JUSTICE M.E.N.PATRUDU

8th FEBRUARY, 2006

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.E.N.PATRUDU

WRIT PETITION No.2368 OF 2006

(Per Sri Justice J.Chelameswar)

8th FEBRUARY, 2006